## HOUSE . . . . . . . . . . . . No. 4593

## The Commonwealth of Massachusetts

By Mr. Sánchez of Boston, for the committee on Public Health, on Senate, No. 844 and House, No. 2082, a Bill relative to nurse anesthetists (House, No. 4593). April 5, 2010.

## FOR THE COMMITTEE:

NAME:	DISTRICT/ADDRESS:
Jeffrey Sánchez	15th Suffolk

## The Commonwealth of Massachusetts

In the Year Two Thousand and Ten

An Act relative to nurse anesthetists.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- SECTION 1. Section 1 of chapter 94C of the General Laws, as appearing in the 2006
- 2 Official Edition, is hereby amended by inserting after the definition "Nurse" the following
- 3 definition: ----
- 4 "Nurse Anesthetist", a nurse with advanced training who is authorized to practice by the board
- of registration in nursing as a nurse anesthetist, as provided in Section 80B of chapter 112.
- 6 SECTION 2. Subsection(g) of Section 7 of said chapter 94C, as so appearing, is hereby
- 7 amended by adding the paragraph: -----
- 8 The Commissioner shall promulgate regulations which provide for the registration of nurse
- 9 anesthetists, as defined in section 80B of chapter 112, to issue written prescriptions for patients
- pursuant to section 80H of chapter 112 and pursuant to guidelines mutually developed and
- agreed upon by the nurse and supervising physician in accordance with the provisions of section
- 12 80H of chapter 112 and regulations approved by the board of registration in nursing and the
- board of registration in medicine. Prior to promulgating such regulations, the commissioner
- shall consult with the board or registration in nursing, board of registration in medicine and the
- board of registration in pharmacy with regard to those schedules of controlled substances for
- which nurse anesthetists may be registered.
- 17 SECTION 3. Said Chapter 94C is hereby further amended by striking out section 9, as so
- appearing, and serving in place thereof the following Section: ---
- 19 Section 9. (a) A physician, dentist, podiatrist, optometrist as limited by sections 66 and 66B of
- 20 chapter 112 and subsection (h) of section 7, nurse practitioner and psychiatric nurse mental
- 21 health clinical specialist as limited by subsection (g) of said Section 7 and section 80E of said
- chapter 112, physician assistant as limited by said subsection (g) of said section 7 and section 9E

- of said chapter 112, certified nurse-mid-wife as provided in section 80C of said chapter 112,
- nurse anesthetist, as limited by subsection (g) of said section 7 and section 80H of said chapter
- 25 112, pharmacist as limited by said subsection (g) of said section 7 and section 24B 1/2/ of said
- 26 chapter 112, or veterinarian when registered pursuant to said section 7, may, when acting in
- 27 accordance with applicable federal law and any provision of this chapter which is consistent with
- 28 federal law and in good faith and in the course of a professional practice for the alleviation of
- 29 pain and suffering or for the treatment or alleviation of disease, possess controlled substances as
- may reasonably be required for the purpose of patient treatment and may administer controlled
- 31 substances or may cause the same to be administered under his direction by a nurse.
- 32 A practitioner may cause controlled substances to be administered under his direction by a
- 33 licensed dental hygienist for the purposes of local anesthesia only.
- 34 (b) Notwithstanding section 17, a physician, physician assistant, dentist, podiatrist, optometrist,
- 35 certified nurse-midwife, nurse practitioner, psychiatric nurse mental health clinical specialist,
- nurse anesthetist, pharmacist as limited by said subsection (g) of said section 7 and section
- 37 24B1/2/ of said chapter 112, or veterinarian registered pursuant to said section 7, may, when
- acting in good faith and in the practice of medicine, dentistry, podiatry, optometry, nurse-
- midwifery, pharmacy or veterinary medicine or as a nurse, as the case may by, and when
- authorized by a physician, dentist, podiatrist, optometrist, nurse practitioner, physician assistant,
- 41 certified nurse-midwife, psychiatric nurse mental health clinical specialist, nurse anesthetist, or
- veterinarian in the course of such nurse's professional practice, dispense by delivering to an
- 43 ultimate user a controlled substance in a single dose or in a quantity that is, in the opinion of such
- 44 physician, dentist, podiatrist, optometrist, nurse practitioner, physician assistant, certified
- 45 midwife, psychiatric nurse mental health clinical specialist, nurse anesthetist, pharmacist or
- veterinarian, essential for the treatment of a patient. The amount or quantity of any controlled
- 47 substance dispensed under this subsection shall not exceed the quantity of a controlled substance
- 48 necessary for the immediate and proper treatment of the patient until it is possible for the patient
- 49 to have a prescription filled by a pharmacy. All controlled substances required by the patient as
- 50 part of his treatment shall be dispensed by prescription to the ultimate user in accordance with
- 51 this chapter.
- 52 This section shall not prohibit or limit the dispensing of a prescription medication that is
- classified by the department as schedule VI and that is provided by the manufacturer as part of
- an indigent patient program or for use as samples if the prescription medication is: (i) dispensed
- 55 to the patient by a professional authorized to dispense controlled substances pursuant to this
- section; (ii) dispensed in the package provided by the manufacturer; and (iii) provided at no
- 57 charge to the patient. The department shall promulgate rules and regulations governing the
- dispensing of medication pursuant to this section. These rules and regulations shall include, but
- 59 not be limited to, those concerning the types and amounts of medications that may be dispensed
- and the appropriate safeguards for the labeling and dispensing of such medications.

- 61 (c) A nurse who has obtained from a physician, dentist, physician assistant, podiatrist, certified
- 62 nurse-midwife, nurse practitioner, psychiatric nurse mental health clinical specialist, nurse
- anesthetist, pharmacist or veterinarian a controlled substance for dispensing to an ultimate user
- pursuant to subsection (b) or for administration to a patient pursuant to subsection (a) during the
- absence of the physician, physician assistant, dentist, podiatrist, certified nurse-midwife, nurse
- practitioner, psychiatric nurse mental health clinical specialist, nurse anesthetist, pharmacist or
- veterinarian, shall return to the physician, physician assistant, dentist, podiatrist, certified nurse-
- 68 midwife, nurse practitioner, psychiatric nurse mental health clinical specialist, nurse anesthetist,
- 69 pharmacist or veterinarian any unused portion of the controlled substance which is no longer
- 70 required by the patient.
- A licensed dental hygienist who has obtained a controlled substance from a practitioner for
- dispensing to an ultimate user pursuant to subsection (a) shall return to such practitioner any
- unused portion of the substance which is no longer required by the patient.
- 74 (d) Every physician, physician assistant, dentist, podiatrist, certified nurse-midwife, nurse
- practitioner, psychiatric nurse mental health clinical specialist, nurse anesthetist, pharmacist or
- veterinarian shall, in the course of a professional practice, keep and maintain records, open to
- inspection by the commissioner during reasonable business hours, which shall include the
- 78 following: the names and quantities of any controlled substances in schedules I, II or III
- received by the practitioner; the name and address of each patient to whom such controlled
- substance is administered or dispensed; the name, dosage and strength per dosage unit of each
- such controlled substance; and the date of such administration or dispensing.
- 82 (e) Notwithstanding subsection (b), a physician, nurse practitioner, physician assistant,
- pharmacist as limited by subsection (g) of section 7 and section 24B1/2/ of said chapter 112 or
- 84 certified nurse mid-wife, when acting in good faith and providing care under a program funded
- in whole or in part by 42 U.S.C. 300, or in a clinic licensed by the department to provide
- section 74 of said
- chapter 112 and authorized by such physician, nurse practitioner, physician assistant, pharmacist
- as limited by said subsection (g) of said section 7 and section 24B1/2/ of said chapter 112,
- 89 certified nurse-midwife may lawfully dispense controlled substances pursuant to schedule VI to
- 90 recipients of such services in such quantity as needed for treatment and shall be exempt from the
- 91 requirement that such dispensing be in a single dose or as necessary for immediate and proper
- 92 treatment under subsection (b). A registered nurse shall dispense under this subsection only as
- provide in section 17. The department may establish rules and regulations controlling the
- 94 dispensing of these medications, including, but not limited to, the types and amounts of
- 95 medications dispensed and appropriate safeguards for dispensing.
- 96 SECTION 4. Chapter 112 is hereby amended by inserting after section 80G the following new
- 97 Section:-

Section 80H. A nurse anesthetist may issue written prescriptions and order tests and therapeutics 98 99 for the immediate perioperative care of a patient pursuant to guidelines mutually developed and agreed upon by the nurse and the supervising physician in accordance with regulations 100 promulgated jointly by the board and the board of registration in medicine after consultation with 101 the board of registration of pharmacy. For the purposes of this section the immediate 102 perioperative care of a patient shall be defined as the period commencing on the day prior to 103 surgery and ending upon discharge of the patient from post anesthesia care. A prescription made 104 by a nurse anesthetist shall include the name of the physician with whom such nurse developed 105 and signed mutually agreed upon guidelines approved by said board and said board of 106 registration in medicine pursuant to section 80B. The administration of anesthesia by a nurse 107 anesthetist directly to a patient shall not require a written prescription. 108